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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,407	07/22/1999	MANABU OHGA	862.2934	1536

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EXAMINER	
SAJOUS, WESNER	

ART UNIT	PAPER NUMBER
2676	18

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1317

Office Action Summary	Application No.	Applicant(s)	
	09/358,407	OHGA, MANABU	
	Examiner	Art Unit	
	Wesner Sajous	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/8 & 3/26/2004* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-14 and 16-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *6,14 and 16-18* is/are allowed.

6)☒ Claim(s) *1-5 and 8-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Remark

This communication is responsive to the amendment and response filed on March 8 and March 26, 2004. Claims 1-6, 8-14 and 16-18 are presented for examination, of which claims 16-18 are added.

Response to Arguments

Applicant's arguments with respect to claims 1-6, and 8-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh (5,754,682) in view of Nakabayashi et al. (US Pat. 6628822).

Considering claim 1, Katoh discloses most claimed features of the invention as set forth in the previous office action including an image processing method (102) for performing color process based on color appearance model, said method comprises the steps of setting a parameter of viewing condition based on distance information (*as performed by item 50 of fig. 11, see also fig. 12 and col. 18, line 38 to col. 19, line 16*);

and performing the color process based on the color appearance model by using a set of parameter (*as performed by the functions of devices 14 and 15 of fig. 11*).

Katoh, however, fails to particularly teach inputting distance information, which represents a distance between positions of a viewing subject at a data source side and a viewing subject at a destination side, based on an instruction of a user through a user interface (interpreted as: inputting parameters representing parameters between viewing conditions at an input side and viewing conditions at an output side).

Nakabayashi, in a similar art, discloses the functional equivalence for inputting distance information (*e.g., visual environment parameters*), which represents a distance (e.g. visual environment) between positions (e.g., parameters) of a viewing subject at a data source side (via, e.g., input profile 32A, see fig. 15) and a viewing subject at a destination side (via, e.g., output profile 33A, see fig. 15), based on an instruction of a user through a user interface (35, fig. 15). See figs. 15-16, and 19-20, and col. 21, lines 11-58; col. 34, line 52 to col. 34, line 9

Therefore, it would have been obvious to modify the teaching of Katoh to include the input and output profiles representing viewing conditions of source and destination side based on an instruction of a user through a user interface, in the same conventional manner as taught by Nakabayashi; so that the color appearance of the output picture at the destination side will be coincident with the color appearance of the input picture inputted from the input source side. See Nakabayashi's col. 21, lines 52-55.

Re claim 2, Katoh discloses the parameter includes a chromatic adaptability condition (as met by item 114 of fig. 12, wherein the chromatic adaptability condition corresponds with the set luminance level of the ambient light as depicted in fig. 12. See cols. 17-18, lines 60-7.

In claim 3, Katoh, at fig. 12, discloses the step of inputting plural items of viewing information (e.g., light source, surround luminance and monitor luminance), which relate to a viewing condition of the data source side (e.g., CRT 3 of fig. 11) and a viewing condition of the data destination side (e.g., printer 4 of fig. 11).

In claim 4, Katoh discloses the color process comprises color matching processing on profiles (26/28) of the data source side and the data destination side. See col. 3, line 59 to col. 4, line 10.

The invention of claim 5, although slightly different, recites features equivalent to and performing the method of claim. As the various elements of claim 1 have been found to be obvious over the combined teaching of Katoh and Nakabayashi, it is apparent that the applied prior art teaches the underlying elements. As such, the method of claim 5 is rejected under the same rationale as claim 1.

Apparatuses claims 8-11 recite features equivalent to and performing the same functions as method claims 1-4, respectively, they are, therefore, subjected to rejections for the same rationale set forth for method claims 1-4.

Claim 12 is for a computer program product performing the method of claim 1; it is, therefore, similarly rejected.

Claim 13 recite features equivalent to claim 5, it is, therefore, rejected under the same rationale as claim 5.

Allowable Subject Matter

3. Claims 6, 14, and 16-18 are allowed over the prior art of record because, although the Nakabayashi, the Fisch and the Usami reference discloses features that are relevant to the instant invention, the combination of Nakabayashi, Fisch and the Usami references fail to teach performing a color process on an input image based on a

color appearance model comprising inputting a manual instruction of a user, which relates to conditions for respectively adjusting balance and absolute intensity of a chromatic adaptability, and viewing conditions of respectively an image input side and an image output side; performing a forward conversion of the color appearance model to convert color data of the input image into color data independent of any viewing condition by using the viewing condition of the image input side and a set of parameter of the chromatic adaptability from the balance condition and the absolute intensity; and performing an inverse conversion of the color appearance model to convert the color data obtained in the forward conversion into color data dependent of the viewing condition of the image output side by using the viewing condition of the image output side and the set of parameter (in the manner recited in claims 6 and 14).

Conclusion

Any response to this action should be mailed to :

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or faxed to:
(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

0r:
(703) 308-5359 for informal or draft communications, please label "PROPOSED" or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays between 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.